

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)
Plaintiff,) **ORDER GRANTING MOTION FOR RELEASE**
vs.)
Richard Steve Kochuten, Jr.,) Case No.1:24-cr-047
Defendant.)

On May 29, 2024, the court ordered that Defendant would remain in custody pending trial as he had not rebutted the presumption of detention and that detention was otherwise merited based on the 18 U.S.C. § 3142(g) factors. (Doc. No. 32). It did, however, add Defendant's name to the waiting list for a residential reentry placement. (*Id.*).

Defendant subsequently executed a plea agreement and on September 19, 2024, entered guilty pleas to the offenses charged in Counts One and Two of his Indictment. (Doc. Nos. 50, 54, 55). The court deferred acceptance of Defendant's pleas until sentencing, which is presently scheduled for January 13, 2025. (Doc. No. 55).

On September 20, 2024, Defendant filed a Motion to Reconsider Detention Order. (Doc. No. 56). He advises that he has been accepted by North Dakota Adult and Teen Challenge (“Teen Challenge”) in Mandan, North Dakota. He requests to be conditionally released to Teen Challenge on September 25, 2024, advising that Teen Challenge will arrange for transport to its facility.

There being no objection from the United States, the court **GRANTS** Defendant's motion. (Doc. No. 56). Defendant shall be released to Teen Challenge staff or other person(s) approved by the Pretrial Services Office no earlier than 9:00 AM on September 25, 2024, for transport to Teen

Challenge's facility in Mandan. Defendant's release shall be subject to the following conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.
- (2) Defendant shall appear in court as required and surrender for any sentence imposed.
- (3) Defendant shall refrain from the use of alcohol; any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, any use of medical marijuana, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection process or specimen may be considered the same as a positive test.
- (4) Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
- (5) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (6) Defendant shall not knowingly or intentionally have any direct or indirect contact with witnesses or co-defendants, except that counsel for Defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of Defendant's legal defense.
- (7) Defendant shall reside at Teen Challenge's facility in Mandan, fully participate in its treatment programming, and comply with all of its rules and regulations.
- (8) Defendant must sign all release forms to allow the Pretrial Services Officer to obtain information from Teen Challenge OR to communicate with Teen Challenge staff about his progress in the program.

Any passes allowed by Teen Challenge must be approved by the Pretrial Services Officer.

If for any reason Defendant is terminated from Teen Challenge, he must immediately surrender to the custody of the United States Marshal.

At least 96 hours prior to anticipated completion of the treatment programming, Defendant must advise the Pretrial Services Officer of his anticipated completion date so the court may schedule a hearing to review his release status.

- (9) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of his release. Defendant shall notify any other residents that the premises may be subject to search pursuant to this condition.
- (10) Defendant shall not obtain a passport and other foreign travel document(s).
- (11) Defendant must report as soon as possible, to the Pretrial Service Office or his supervising Pretrial Service Officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
- (12) Within 24 hours of his arrival of Teen Challenge, Defendant shall contact Pretrial Services Officer Skylar Soupir at (701) 530-2416.

If Defendant cannot be transported to Teen Challenge as anticipated on September 25, 2024, he shall remain in custody pending further order.

IT IS SO ORDERED.

Dated this 23rd day of September, 2024.

Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court